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"Green Tier" law has its critics, defenders Can "polluters" fund watchdogs ethically?

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Critics of a donation made by the American Transmission Co. are saying that greenbacks are more important than greenspace under Wisconsin's Green Tier law.

But others defend the new practice of doing right by the environment.

On Jan. 24, ATC made a \$300,000 donation to the Natural Resources Foundation, a private organization created in 1986 to raise funds for the Wisconsin Department of Natural Resources. According to foundation Executive Director Charlie Luthin, ATC is the first Green Tier participant to give money to the NRF. ATC intends the money to be used to restore and protect natural resources throughout the state.

The Green Tier law, which went into effect in April 2004, is intended to give incentives, rather than punishments, for polluting companies to do right by the environment.

"It was like getting hit by a truck," said Fitchburg resident Jeff Jones when he learned about the donation. "To learn that ATC made, and NRF and the DNR accepted, a large cash donation three months before \$131 million worth of project sites are identified in Dane County is disheartening for our coalition as well as the citizens of Wisconsin.

"How are our voices able to compete with corporate cash?"

DNR Secretary Scott Hassett says he recognizes the sensitivity of the situation, but explains that ATC's application into the Green Tier program had nothing to do with, and happened long before, last month's donation.

"We are very aware of the implications. We do not want to be in a position where people think this is a program where you pay money to get a regulatory agency to back off or loosen standards," Hassett told The Capital Times. "Putting aside the money, everything ATC proposed to do (in their Green Tier application) goes beyond compliance required to be a Green Tier participant at the Tier I level."

Jones is a founding member of Save the Badger Trail, a grass-roots organization created to discourage ATC from building one of two proposed power lines along the Badger State Trail, a DNR project along a former railroad corridor owned by the Department of Transportation. ATC has yet to go public with its preferred routes for either project.

The \$131 million to which Jones referred is the estimated cost of the two

proposed projects in southern Dane County. The first will be an 8-mile stretch known as the Montrose to Fitchburg line, estimated at \$16 million. The second will be a 55-mile line through southern Dane County known as the Rockdale to West Middleton line, estimated at \$115 million.

Another project creating a stir among some Dane County citizens is the 8-mile stretch known as the Waunakee-North Madison upgrade, which is estimated at \$11 million. ATC is within weeks of turning in its application for this route to the Public Service Commission.

These three projects are slated to be finished between now and 2011. Other, smaller upgrades are planned for Dane County by 2015.

While new power lines are in the forefronts of the minds of Dane County residents, residents in northern Wisconsin counties are more seasoned after seven years of fighting the Arrowhead-Weston line, which will run from Duluth to Wausau.

Douglas County Supervisor Mark Liebaert feels that regardless of the intent, regulatory agencies should not be able to accept money from a company they regulate.

"Does anybody think that this does not affect the permit process?" asked Liebaert, a member of the anti-transmission group Save Our Unique Lands. "A bribe's a bribe."

Luthin, who has been involved in environmental matters in Wisconsin for 30 years, says he feels confident that the donation is sincerely intended to protect the environment and not pave the way for ATC to get permits from the DNR.

"I have a chance to raise money, but I am not going to be a slave to the dollar," said Luthin. "My own sense of morality is at stake."

"I will not participate in green-washing," continued Luthin, referring to a term used by environmentalists to describe funds passed from corporations to regulatory agencies via neutral parties. "We fundraise for other organizations; I won't just be writing a check to the DNR for \$300,000."

Luthin will be one member of a five-person steering committee to decide how the money is spent. Other representatives will include Rebecca Schroeder of the DNR, Rita Hayen of ATC, and two prominent conservationists to be appointed by the group. This group will give a recommendation to NRF's 20-member board of directors, which is compromised of citizens.

ATC's agreement with the DNR states that 40 percent of the money will go to the State Natural Area program. Ten percent each will go to the Endangered and Threatened Species program, public education programs, and local grants for management of protected properties. The destination of the remaining 30 percent is to be determined.

The Green Tier law: Following the lead of progressive regulatory agencies in Bavaria, Germany, Gov. Jim Doyle signed the Environmental Results Program, otherwise known as Green Tier, into law in April 2004. With "superior environmental performance" as a goal, the law is intended to

give incentives to companies to do the right thing.

"To the best of my knowledge, Wisconsin is the only state with an environmental law that defines superior environmental performance," said Mark McDermid, director of the DNR's Bureau of Cooperative Assistance Program. "This is taking a very prospective outlook and asking 'How good can we be?' rather than 'How bad do we not want to be?' "

Incentives listed include public recognition, reduced frequency of inspections and a single point of contact for DNR permitting. Fines are also withheld for Green Tier participants who correct reported problems within a designated time frame or who self-report problems.

This method of incentive rather than punishment is intended to make things easier for the company as well as the DNR.

"The DNR was eviscerated," said Luthin. "It didn't have the clout it once had. This is a new way to try to protect sensitive areas in the state. Time will tell if it works."

According to McDermid, many pairs of eyes will be watching the results, including a Green Tier Advisory Committee appointed by Hassett, and students from the La Follette School of Public Affairs and the University of Wisconsin Law School. Actual emissions from participating companies will be evaluated as well.

"I can't speak for the department, but personally, I welcome skeptics," said McDermid. "It raises the bar for us. They have a valuable role to play, and I hope they don't lose interest in the project."

Today the DNR Web site lists six companies and trade organizations that are either Tier I, Tier II or Charter participants in the program. Many other companies have filed applications to participate in the program.

GREEN TIER PARTICIPANTS

- Veridian Homes, Madison - Today, Veridian will become the first business to sign a Green Tier Clear Waters Initiative Charter. This charter provides a way for businesses and multiple governments to focus specifically on storm water issues.
- Times Printing, Random Lake.
- CCP Inc.: The cooperative compliance program for Wisconsin Scrap Recyclers Inc.
- EccoDev: The Environmental Compliance Division of the Wisconsin Builders Association.
- Holsum Dairy: A 3,600 head dairy farm in Hilbert.
- ATC: The utility that designs and owns most of the high-voltage transmission lines in Wisconsin.
- MEGTEC Systems: A DePere-based manufacturer of dryers and pollution control equipment.

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